

REMARKS

Applicant respectfully requests reconsideration of the rejection of this application as examined pursuant to the office action of January 31, 2005. In the office action, Claims 1-6 were examined. Claims 1-6 remain pending.

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson (US Patent No. 2,715,347). Claims 3-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Farnan et al. (US Patent No. Des.376,521). Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Makovsky et al. (US Patent No. 5,697,268). Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Higgins (GB Patent No. 2,266,257 in view of Farnan. Claims 1-6 were rejected under the judicially created doctrine of double patenting in view of the Applicant's issued US Patent No. 6,701,807.

Applicant has taken this opportunity to amend Claim 1 of the application to more specifically distinguish the present invention from the asserted references. In view of the amendment made and the arguments to be presented herein, Applicant respectfully suggests that the application is in condition for allowance.

The 35 U.S.C. § 102(b) Rejection

In the Office Action, Claims 1-2 were rejected under 35 U.S.C. § 102(b) as being anticipated by Johnson. It is stated in the office action that "Johnson discloses all the limitations, i.e., a socket having a center line (B), first face (bottom face as shown in Figs. 2 and 4), an opposite second face, and a receiving slot extending from the first face towards the second including a receiving region (8) having a center line (A) offset from (B), adjacent to the first face (first face separated from the second face by web (10), and wherein the second face includes a port (13)." The Office Action also indicates that Claims 7, 9, and 14, were rejected for the same reasons. However, Applicant respectfully notes that only Claims 1-6 are pending in this application.

Johnson fails to provide a step in the receiving region, thereby increasing the likelihood that that wrench will not be able to secure a nut in place as it is being rotated. That limitation is included in pending Claim 1. Johnson also fails to provide a socket driver port that is part of the

socket body. Instead, the driver port of the Johnson wrench is in the handling-receiving shank of the wrench rather than in the head proper of that wrench. The Johnson design leads to a reduction in mechanical advantage because of the positioning of the handle opening with respect to the open end of the box.

The limitations associated with the positioning of the driver port on the Johnson wrench are absent in the design of the socket of the present invention. Specifically, the receiving region and the driver port are within the dimensions of the socket body of the present invention, not adjacent to one another. Additionally, placing the driver offset from the receiving region in the present invention provides a method for avoiding obstructions to rotation. By making the driver port extend through and through, Johnson fails to provide a connector rotation device that satisfies all three conditions.

The socket of the present invention as described in Claim 1 has a receiving region with a centerline that is offline from the centerline of the socket body, a driver port with a centerline that is offline from the centerline of the socket body, and a driver port that does not extend through and through. Those features render the socket suitable for use in confined spaces and where obstructions exist. Johnson fails to provide such a device. The Declaration of Roland L'Heureux presented in the related parent application is attached hereto as support for the arguments made herein.

Pursuant to the arguments presented herein, Applicant respectfully suggest that the 35 U.S.C. § 102(b) rejection of Claims 1-2 has been successfully traversed. Applicant requests that the rejection of Claims 1-2 be withdrawn.

The 35 U.S.C. § 103(a) Rejections

In the Office Action, dependent Claims 3-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Farnan. For the reasons set forth above regarding the Johnson reference, Applicant suggests that the Farnan reference does not apply to the present invention. Applicant also respectfully notes that Farnan fails to show a basin wrench with a driver port as part of the socket body. Instead, the Farnan design shows the driver port as an attachment to the socket body. Moreover, the driver port is through and through. Applicant also notes that nowhere in either reference is it taught or fairly suggested to make such a modification to either of the other wrenches described in those references.

In view of the arguments presented herein, Applicant respectfully suggests that the rejection of dependent Claims 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Farnan has been successfully traversed. Withdrawal of that rejection is therefore requested.

In the office action, Claims 4-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Makovsky. For the reasons set forth above regarding the Johnson reference, Applicant also respectfully notes that Makovsky fails to show a basin wrench with a receiving region and a driver port that are offline from the centerline of the socket body. In Makovsky, the receiving region and driver port are aligned with one another. That arrangement is unsuitable for a socket to be employed to loosen or tighten nuts having obstructions such as tubes or pipes. Indeed, Makovsky teaches away from such an arrangement. Applicant notes that nowhere in either Johnson or Makovsky is it taught or fairly suggested to make such a modification to either of the other wrenches described in those references.

In view of the arguments presented herein, Applicant respectfully suggests that the rejection of dependent Claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Johnson in view of Makovsky has been successfully traversed. Withdrawal of that rejection is therefore requested.

In the office action, Claims 1-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Higgins in view of Farnan et al. It is stated in the office action that the Higgins device “includes a port [socket] (24) that does not extend to the first face of the socket body.” However, that socket 24 of Higgins is not part of the socket body. Higgins specifically identifies the socket body as flat leaf 12. It is flat leaf 12 that would correspond in a general way to the socket body 10 of the present invention. The flat leaf 12 of the Higgins device includes a recess 14 that corresponds generally to the receiving slot 17 of the present invention, but the flat leaf 12 has no driver port in either face thereof. Instead, the Higgins device includes a boss 22 that extends outwardly from the face of the flat leaf 12. As Higgins states: “The attachment 10 may be forged in a single piece, or the connection means 18 may be a separate component attached to the leaf 12 by welding or in any other suitable way.” (The last paragraph of page 3 of Higgins.) Clearly, Higgins considers the body of his device, which includes the recess 14 for receiving a nut to be loosened or tightened, as distinct from the connection means 18, which includes the socket 24 for receiving a drive bar 26 used to rotate the flat leaf 12.

The present invention as described in amended Claim 1 is clearly distinct from the Higgins device. The present invention includes the receiving slot and the driver port both part of the socket body. Claim 1 has been amended to specifically note that the driver port “does not extend above the first face” of the socket body, thereby confirming that the driver port is part of the socket body. Higgins, on the other hand, specifically excludes the socket 24 from the flat leaf 12.

Applicant respectfully suggests again that the Farnan reference does not apply to the present invention, whether alone or combined with the Higgins device. Farnan fails to show a basin wrench with a driver port as part of the socket body. Instead, the Farnan design shows the driver port as an attachment to the socket body. Moreover, the driver port is through and through. Applicant also notes that nowhere in either reference is it taught or fairly suggested to make such a modification to either of the other wrenches described in those references.

In view of the amendment made to independent Claim 1 and the arguments presented herein, Applicant respectfully suggests that the rejection of Claims 1-6 under 35 U.S.C. § 103(a) as being unpatentable over Higgins in view of Farnan et al. has been successfully traversed. Withdrawal of that rejection is therefore requested.

The 35 U.S.C. § 103(a) Rejections

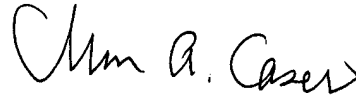
In the Office Action, Claims 1-6 were rejected under the judicially created doctrine of double patenting in view of Applicant’s issued US Patent No. 6,701,807. In response, Applicant submits herewith a Terminal Disclaimer.

In view of the filing of the Terminal Disclaimer, Applicant respectfully suggests that the rejection of Claims 1-6 for double patenting has been successfully traversed. Withdrawal of that rejection is therefore requested.

CONCLUSION

In view of the foregoing amendment and remarks, Applicant suggests that the present application is in condition for allowance, and a notice to this effect is respectfully requested. The total number of pending independent claims is less than three and the total number of pending claims is less than 20. Therefore, no additional filing fee is required. The fee due under 37 CFR § 1.20(d) for the filing of the Terminal Disclaimer is submitted herewith.

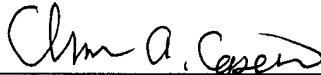
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the US Postal Service in an envelope with sufficient postage as first class mail and addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on April 28, 2005. It is hereby requested that this correspondence be assigned a filing date of April 28, 2005.



Chris A. Caseiro